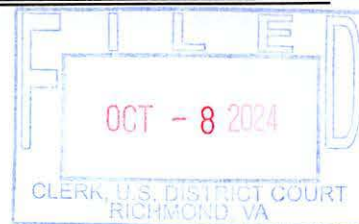


AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia



United States of America

v.

DIAMON SMITH

a/k/a Diamon Polk

Case No.

3:24-mj- 099

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 9, 2023 in the county of Richmond in the  
Eastern District of Virginia, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 1344

18 U.S.C § 1956(h)

Bank Fraud

Conspiracy to Commit Money Laundering

This criminal complaint is based on these facts:  
 SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.*Complainant's signature*

Derwin D. Kinston Jr., Postal Inspector

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 10/8/2024*Judge's signature*City and state: Richmond, Virginia

Summer L. Speight, U.S. Magistrate Judge

*Printed name and title*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

UNITED STATES OF AMERICA

V.

DIAMON SMITH,

a/k/a Diamon Polk,

Defendant.

Criminal No. 3:24-mj- 099

## AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Derwin D. Kinston Jr., being first duly sworn, hereby depose and state as follows:

1. I am a Postal Inspector with the U.S. Postal Inspection Service, and have been since January 20, 2020. I have completed a 16-week basic training course in Potomac, Maryland, which included training in the investigation of mail theft and postal-related robberies. I am currently assigned to the Richmond, Virginia miscellaneous team, where my responsibilities include the investigation of crimes against the United States Postal Service (USPS); crimes related to the misuse and attacks on the mail system; possession of stolen mail; crimes related to the use, theft, or counterfeiting of postal keys; locks; and postal robberies. I also investigate crimes in connection with access devices that include credit cards and debit cards, identity theft, and the unauthorized use of a person's information for financial gain as the criminal schemes often are perpetrated through the U.S. mail.

2. This affidavit is in support of a criminal complaint charging Diamon Smith with bank fraud and conspiracy to commit money laundering in violation of 18 U.S.C § 1344 and 18 U.S.C § 1956(h).

3. The facts in this Affidavit come from my personal observations, my review of documents, and information obtained from other agents and witnesses. This Affidavit is intended

to show merely that there is probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on the facts set forth in this Affidavit, there is probable cause to believe that criminal violations of 18 U.S.C. § 1344 and 18 U.S.C §1956(h) have been committed by Diamon Smith, also known as Diamon Polk.

#### PROBABLE CAUSE

5. On May 9, 2023, \$300,000 was transferred out of the JP Morgan Chase Bank investment account of victim KS, but he did not authorize this transfer. Based on my review of JP Morgan Chase Bank records, I learned \$260,000 was transferred into a JP Morgan Chase Bank account ending in -6648 belonging to Lena Franklin. During my review of Franklin's account ending in -6648, I learned that JP Morgan Chase Bank withheld \$40,000 dollars of the original \$300,000 transfer. Banks often withhold a percentage of large Automated Clearing House (ACH) transactions. On May 10, 2023, JP Morgan received a fraud complaint from KS.

6. The suspects without authorization changed KS's email address on file with JP Morgan Chase to "lenafranklin97@gmail.com." Based on my investigation, the suspects also changed KS's home address on file with JP Morgan Chase Bank from an address in Ypsilanti, Michigan to 500 Hull Street, Apartment 230, Richmond, VA 23224. Based on my investigation, including a search of law enforcement databases, Franklin is associated with the 500 Hull Street, Apartment 230, Richmond, Virginia 23224 address. The address associated with Franklin appears on her Virginia's driver's license, Virginia Credit Union banking documents, and JP Morgan Chase banking documents. Franklin is also known to receive U.S. Mail at this address.

7. On May 10, 2023, based on KS's complaint, JP Morgan Chase Bank closed Franklin's account ending in -6648. JP Morgan Chase seized \$260,000 from Franklin's account and held it in escrow. On May 17, 2023, a JP Morgan Chase Bank representative released

\$259,990.57 from escrow and—apparently without realizing the address had been changed—mailed a check to the address on the investment account, which was 500 Hull Street, Apartment 230, Richmond, Virginia 23224.

8. A JP Morgan representative reported that the check was mailed to the 500 Hull Street address and was cashed at Virginia Credit Union by an unknown suspect.

9. On November 4, 2023, I telephonically interviewed KS. According to KS, he learned about the unauthorized transaction on May 10, 2023. KS stated he does not know Franklin and he did not authorize her to have, hold, or negotiate funds on his behalf.

10. I reviewed another one of Franklin's accounts, this one ending in -1218, and learned it was associated with Virginia Credit Union. Based on my review of Virginia Credit Union records, I learned the following information belongs to Franklin and matches her personal identifiable information, to include her Social Security Number, email address (lenafranklin97@gmail.com), date of birth, and cell phone number.

11. Based on my review of the bank documents for the account ending in -1218, Franklin's account received a deposit for \$259,990.57. I later reviewed a photocopy of the check deposited into Franklin's account. The check has "Lena Franklin" listed as the Payee with the address listed as 500 Hull Street, Apartment 230, Richmond, VA 23224 underneath the payee line. The check is dated May 17, 2023.

12. Virginia Credit Union investigators provided a still video image dated June 20, 2023, at 1:46 p.m. The image depicts Franklin exiting a Ford sport utility vehicle (SUV). Based on subpoenaed records, Franklin purchased a Ford SUV with KS's funds on or about June 19, 2023. Based on my review of Franklin's account and DMV records, Franklin wrote a check on June 20, 2023, for approximately \$11,000 to Mooers Motor Car Company Inc. Mooers Motor

Car Company is located at 7211 W Broad Street, Richmond, VA 23294. Based on my review of DMV records, Mooers Motor Car Company sold Franklin a Ford SUV that resembles the Ford SUV in the Virginia Credit Union video still image.

13. I reviewed still video images from Virginia Credit Union depicting Franklin and an unknown female conducting banking transactions together. In one of the images dated July 7, 2023, at 1:51 p.m., the two suspects are driving in a brown Chevrolet with a Virginia license plate displaying TTG3345. According to DMV records, the vehicle is owned and operated by Diamon Smith.

14. Based on my review of Virginia Credit Union records, Franklin and Smith attempted approximately 88 withdrawals for approximately \$158,100 through Zelle, Apple Pay, Cash App, and cash withdrawals. On June 8, 2023, Franklin attempted to wire funds to Smith's account ending in -4445 with United Bank.

15. I subpoenaed Google subscriber information for lenafranklin97@gmail.com. I learned Franklin is the owner of lenafranklin97@gmail.com and the associated telephone number listed with the email is her cell phone number. This telephone number matches the telephone number provided on Franklin's Virginia Credit Union account opening documents.

16. On January 2, 2024, I telephonically interviewed Franklin by calling her cell phone number. Upon speaking with Franklin, I identified myself as a federal agent with USPIS. During my interview with Franklin, I learned the following:

17. Franklin stated she was aware of a check for \$259,995.57 being deposited into her Virginia Credit Union account. According to Franklin, she denied logging into the victim's account, and she denied changing the victim's address on file to her previous Richmond address located at 500 Hull Street, Apartment 230, Richmond, VA 23224. Franklin stated the account

manipulation was done by her former roommate at the Hull Street address, Smith. Franklin stated she only received the funds. I asked Franklin if lenafranklin97@gmail.com was her email address and she confirmed that it was. Franklin stated Smith's plan was to "make money." Franklin stated she did not know what was happening and was "thrown into the situation." According to Franklin, Smith approached her and stated she had a legal way to make more money. Franklin stated she did not know Smith was logging into a victim's account and removing funds. Franklin stated Smith and her boyfriend, Peter Cassaberry, came up with the idea to commit the fraud. Franklin stated she does not have a criminal record and did not know her activity was illegal. According to Franklin, if she had known that her actions were illegal, she would have never assisted Smith. Franklin stated she wired Smith \$100,000 after depositing the funds into her account. Franklin stated she provided Smith with an additional \$100,000 in cash. Franklin stated she transferred funds to Cassaberry through Cash App as well. Franklin identified Cassaberry's Cash App username as "\$syncerehandsome123" and his telephone number as 804-821-9106. According to Franklin, Cassaberry contacted her several months prior and ask if she "wanted to make some bread." Franklin stated she declined. At the end of the interview, Franklin agreed to meet me in the vicinity of her home to present her with a target letter issued by the U.S. Attorney's Office.

18. On January 3, 2024, I telephonically interviewed Smith at 804-924-6741, regarding KS's missing funds. I informed Smith that I was aware of the approximately \$259,000 she assisted in stealing. I asked Smith if she was aware of the funds. Smith stated "yes." Smith stated she did not steal any funds. I informed Smith that misleading or lying to a federal law enforcement officer was against the law. I informed Smith that she potentially faced several federal charges regarding the theft. Smith informed me she wanted an attorney. I informed Smith



I wanted to personally provide her with a target letter. I informed Smith she could contact the telephone number on the target letter and potentially receive assistance obtaining legal counsel. Smith voluntarily continued the interview by asking questions regarding my investigation.

19. According to Smith, she wants to have a conversation with Franklin. Smith stated, "what did she get me into?" Smith said Franklin came into money and wired her \$100,000. Smith stated she thought Franklin gave her \$100,000 for being kind to her during Franklin's time of need. I asked Smith if she asked Franklin any questions regarding the funds. Smith stated, "that's not my business." According to Smith, Franklin was homeless, and she invited Franklin into her home. Smith stated she did not charge Franklin rent. Smith stated Franklin moved out of her home in October of 2023, without informing her she was moving out. Smith stated she did not have any text messages or emails regarding her fraudulent activity. I informed Smith, I reviewed multiple video still images of her and Franklin withdrawing funds from automated teller machines. Smith stated Franklin provided her with cash and she never asked Franklin how she received the funds. At the end of the interview, Smith and I agreed she would meet me at the USFIS field office to receive the target letter.

20. On October 3, 2023, a stolen Treasury check for \$97,258 was deposited into Smith's account with Virginia Credit Union ending in -1126. The account ending in -1126 is associated with Smith's business named Dime's Desires LLC. Based on my review of Virginia State Corporation Commission documents, Smith owns Dime's Desires LLC. Based on my conversations with a U.S Treasury Inspector General for Tax Administration – Office of Inspector General agent, I know the check was issued in August of 2023, and was stolen soon after. Based upon this conversation, I know the check was originally issued to Northeast Metal and Glass Inc.

21. Dime's Desires LLC is registered to Diamon Polk, with a principal address of 904 Oliver Hill Way, Apartment 429, Richmond, VA, 23219 and email address of dimesdesires@gmail.com. Based on a review of law enforcement databases, this email address has been associated with Diamon Smith.

22. On April 15, 2024, AUSA Shea Gibbons and I conducted a proffer with Franklin and her Public Defender, Paul Gill. During the proffer, Franklin stated Smith and Cassaberry commit fraudulent activities together. According to Franklin, Smith and Cassaberry facilitate their fraud using an unknown person located in New York City called the "Plug." Franklin described the "Plug" as a female with expertise in committing fraud. According to Franklin, the "Plug" locates victims and Cassaberry and Smith locate money mules such as Franklin.

23. In April of 2024, I submitted a subpoena to T-Mobile in regard to Smith's number, 804-924-6741. According to returned records from T-Mobile, 804-924-6741 is assigned to subscriber Diamon Polk. According to T-Mobile, Smith/Polk's address is 500 Hull Street, Apartment 230, Richmond, VA 23224.




24. Based on the facts and information set forth above, I respectfully submit that there is probable cause to believe that Smith committed bank fraud and conspiracy to commit money laundering in violation of 18 U.S.C § 1344 and 18 U.S.C § 1956(h).

Respectfully submitted,

  
Derwin D. Kinston Jr., Postal Inspector

Reviewed and approved by AUSA Shea Gibbons

Subscribed and sworn to before me on October 8, 2024, in Richmond, Virginia.

  
Honorable Summer L. Speight  
U.S. Magistrate Judge